

Exhibit

3



Epstein Drangel LLP

60 East 42nd Street, Suite 2520, New York, NY 10165

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www.ipcounselors.com

December 17, 2015

*** FRE 408- FOR SETTLEMENT PURPOSES ONLY***

VIA REGULAR MAIL & E-MAIL

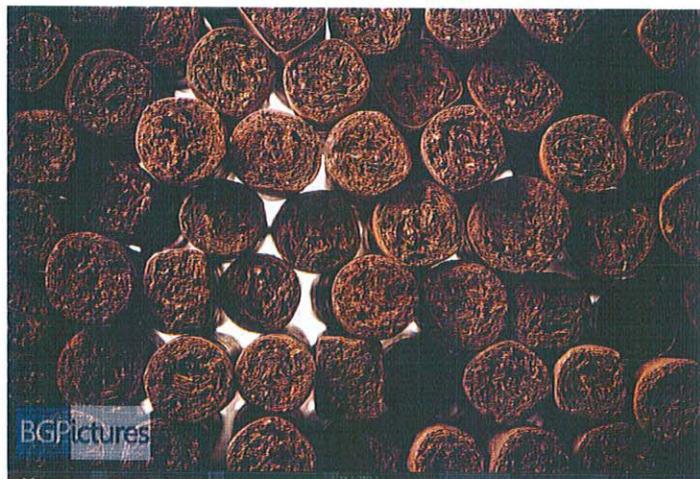
Robb Hunter

Burning Desire Cigar Emporium
8968 US Highway 64
Lakeland, Tennessee 38002
havanamixcigars@gmail.com

Re: Copyright Infringement Notice – Bryan Glynn’s “130 x 90 – cigarobsession.com”

Dear Mr. Hunter:

Our firm represents the interests of Bryan Glynn (“Photographer”) through his licensing agent, Pixsy, Inc. Photographer owns all rights, title, and interest, in and to the photograph entitled “130 x 90 – cigarobsession.com”, depicted below (the “Work”), along with the U.S. copyright registration thereof, VAu 1-224-378. (See attached).



It has recently come to our attention, through routine online monitoring, that your business, Burning Desire Cigar Emporium (“Burning Desire”), is prominently displaying the Work on its website, [www.burningdesirecigars.com](http://burningdesirecigars.com), which is accessible world-wide, as shown below¹:

¹ See: <http://burningdesirecigars.com/cigars.html>, <http://burningdesirecigars.com/about.html> and <http://burningdesirecigars.com/events.html>.

Robb Hunter
Burning Desire Cigar Emporium
December 17, 2015
Page 2 of 3



Not only has Burning Desire used the Work in direct contravention of Photographer's exclusive rights in and to the Work, without Photographer's permission and without attributing the same to Photographer, but it has done so repeatedly throughout its website. Moreover, Photographer's watermark has been deliberately cropped out of the lower left-hand corner of the Work in an effort to conceal Burning Desire's infringement.

Burning Desire's unauthorized use of the Work is unlawful, and constitutes willful copyright infringement, which subjects it to statutory damages of up to \$150,000.00 per infringement plus attorney's fees under 17 USC §504(c)(2) should Photographer pursue this matter in a United States

Robb Hunter
Burning Desire Cigar Emporium
December 17, 2015
Page 3 of 3

court. Further, since it also appears that the watermark embedded in the Work has been deliberately removed, Burning Desire's actions also violate 17 USC §1202(b) of the Digital Millennium Copyright Act ("DMCA"), which states that:

No person shall, without the authority of the copyright owner or the law, intentionally remove or alter any copyright management information knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.

If this claim is pursued in a United States court, Photographer would also be entitled to monetary damages, including up to \$25,000 in statutory damages for each violation of section 1202 of the DMCA, and attorney's fees.

In view of the foregoing, we hereby demand that you agree in writing to: 1) immediately cease and desist from any and all use or exploitation of the Work; 2) agree to refrain from any and all future violation of the rights in and to the Work as alleged herein; and 3) compensate Photographer for the infringement in the amount of twenty-five thousand dollars (\$25,000.00) ("Settlement Amount"). The aforementioned Settlement Amount is more than reasonable under the circumstances, given the blatant mutilation of Photographer's watermark, the pervasive use of the Work and the statutory damages to which Photographer would be entitled should this matter proceed to litigation.

We request that you provide your comprehensive response within **five (5) business days** from the date of this letter.

The foregoing is without prejudice to the rights, remedies, and defenses of Photographer and Pixsy, all of which are hereby expressly reserved.

Sincerely,

William C. Wright

Encl.: As Noted

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink that reads "Maria A. Pallante".

Register of Copyrights, United States of America

Registration Number

VAu 1-224-378

Effective Date of Registration:
October 22, 2015

Title

Title of Work: 439 cigar art photos volume 1

Completion/Publication

Year of Completion: 2015

Author

- **Author:** Bryan Glynn
- Author Created:** photograph
- Work made for hire:** No
- Citizen of:** United States
- Domiciled in:** United States
- Year Born:** 1974

Copyright Claimant

Copyright Claimant: Bryan Glynn
5318 Bob White Dr. Holiday, FL, 34690

Rights and Permissions

Name: Bryan Glynn
Email: bryan@bgpictures.com
Telephone: (727)946-1000
Address: 5318 Bob White Dr
Holiday, FL 34690

Certification

Name: Bryan E. Glynn
Date: October 22, 2015

Copyright Office notes: Basis for Registration: Regarding registration of multiple works, registered as an

From: [Kerry Brownlee](#)
To: ["havanamixcigars@gmail.com"](mailto:havanamixcigars@gmail.com)
Cc: [William C. Wright](#); [Jason M. Drangel](#); [Ashly Sands](#)
Subject: FINAL REMINDER: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Date: Thursday, May 05, 2016 10:18:00 AM
Attachments: [C&D 12.17.15 Burning Desire.pdf](#)
[image001.png](#)
Importance: High

Dear Mr. Hunter,

I am following up from my below correspondence, as we have yet to hear back from you in regards to the enclosed time-sensitive letter, which requires your response. This will serve as our **FINAL REMINDER**. If we do not hear back from you by **Monday, May 9, 2016**, we will be forced to discuss next steps with our client.

Best regards,
Kerry



Kerry B. Brownlee

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From: Kerry Brownlee
Sent: Wednesday, April 20, 2016 2:14 PM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright; Jason M. Drangel; Ashly Sands
Subject: REMINDER: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

REMINDER



Kerry B. Brownlee

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From: Kerry Brownlee
Sent: Tuesday, April 05, 2016 4:51 PM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright; Jason M. Drangel
Subject: REMINDER: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

Dear Mr. Hunter,

I am following up with you again in reference to my below correspondence and the voicemail that I left with your employee on March 22, 2016, as we have yet to receive your comprehensive response to the enclosed time-sensitive letter. Due to the seriousness of this matter, your response is required as soon as possible.

Best regards,
Kerry Brownlee



Kerry B. Brownlee

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From: Kerry Brownlee
Sent: Tuesday, March 08, 2016 12:12 PM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright; Jason M. Drangel
Subject: REMINDER: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

REMINDER

Kerry B. Brownlee

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From: Kerry Brownlee
Sent: Wednesday, February 24, 2016 9:22 AM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright; Jason M. Drangel; Ashly Sands
Subject: RE: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

Dear Mr. Hunter,

I am following up with you again regarding the enclosed time-sensitive letter from William C. Wright ("C&D"), which was initially sent to you on December 17, 2015, as we still have not yet heard back from you regarding the same, despite our numerous reminders.

Due to the seriousness of this matter, we require your response **as soon as possible**.

Best regards,
Kerry Brownlee



Epstein Drangel LLP

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From: Kerry Brownlee
Sent: Thursday, January 21, 2016 12:03 PM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright; Jason M. Drangel; Ashly Sands
Subject: RE: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"

Importance: High

REMINDER



Epstein Drangel LLP

Kerry B. Brownlee

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From: Kerry Brownlee

Sent: Monday, January 11, 2016 5:35 PM

To: 'havanamixcigars@gmail.com'

Cc: William C. Wright; Jason M. Drangel; Ashly Sands

Subject: RE: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"

Importance: High

Dear Mr. Hunter,

I am following up with you again regarding the enclosed time-sensitive letter from William C. Wright ("C&D"), which was initially sent to you on December 17, 2015, as we still have not yet heard back from you regarding the same, despite our December 28, 2015 reminder. Further, we have noticed that the Work is still available on your website.

Due to the seriousness of this matter, we require that you cease any and all use of the Work immediately and provide us with your comprehensive response to the demands set forth in our C&D by no later than **Thursday, January 14, 2016.**

Best regards,
Kerry Brownlee



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From: Kerry Brownlee
Sent: Monday, December 28, 2015 6:07 PM
To: 'havanamixcigars@gmail.com'
Cc: William C. Wright
Subject: RE: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

REMINDER



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From: Kerry Brownlee
Sent: Thursday, December 17, 2015 2:54 PM
To: 'havanamixcigars@gmail.com'
Cc: Jason M. Drangel; William C. Wright
Subject: Copyright Infringement Notice – Bryan Glynn's "130 x 90 – cigarobsession.com"
Importance: High

Dear Mr. Hunter,

Please see the enclosed time-sensitive warning letter from William C. Wright, which is also being sent to you via post mail.

We look forward to hearing from you shortly.

Best regards,
Kerry Brownlee



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